

REMARKS

Applicant thanks the Examiner for the courteous First Action on the merits.

The claims have been amended as shown above. Support for the amendments is found throughout the specification and particularly at page 5, lines 3-11, page 7, lines 13-18, page 8, lines 3-11 and 14-20, and page 8, line 21.

Drawings. Proposed corrected drawings are attached.

Section 112. Claim 22 has been amended; other claims with similar errors are corrected above.

Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 4,911,383 – Elson)

Claims 1-3, 6, 8-17 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Elson.

Elson has a figure that is carried aloft and dropped from a kite to parachute to the ground. The figure is kept in place and removed from place by gravity. Claim 1 recites coupling and mating structures between the figure and the kite portion such that part of the figure moves relative to the kite portion and another part, that which is attached locally, does not so move. Elson in addition to not teaching any fastening system, does not teach or contemplate relative movement within the figure. Elson does not anticipate claim 1; claims 2, 3, 6 and 8-17 are patentable at least for reasons advanced in connection with claim 1.

Claims 16, 17 and 20 recite a figure having a mating structure for a flying toy having a coupling structure, e.g. of hook and loop configuration, like Velcro. Elson does not teach such a figure, but only a non-fastener, non-fastened, figure.

Claim Rejection – 35 U.S.C. §103(a) (U.S. Patent No. 5,893,537-Lee in view of U.S. 4,655,720-Renger)

Claims 1, 3-5, and 7 are rejected based on Lee in view of Renger. Lee teaches a boat kite with sails as airfoils. Lee does not teach a figure used with that kite. Renger teaches a glider with a static figure that is attached to the wing. Claim 1 recites hook and loop fasteners; these are not shown in either reference, nor does the figure in Renger move as recited in claim 1. It cannot be obvious from the static figure of Renger, and no figure I Lee to have an attached but locally movable figure as recited in claim 1 as "such that the remainder of said figure will move during flight of said system with respect to said kite portion. Claims 3-5 and 7 are patentable over Lee and Renger at least for reasons advanced in connection with claim 1.

Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 5,755,405 – Socha)

Claims 16, 18 and 19 are rejected as anticipated by Socha who teaches a parachute based promotional device that drops symbolic soda bottles onto crowds. Claim 16 recites that the flexible housing of the figure is configured to pass air into the figure to inflate it during flight. The bottle container in Socha is not so configured. Claim 16 is not anticipated by Socha; claims 17 and 18 are patentable at least for reasons advanced in connection with claim 16.

Claim Rejection – 35 U.S.C. §102(b) and 103(a) (U.S. Patent No. 4,799,634 –

Beaulieu)

Claims 21, 23 and 24 are rejected as anticipated by Beaulieu who teaches a kite with hook that deploys a parachute by a hook mechanism. Claim 21 recites a flying toy of a kite portion having a coupling structure and a figure having a mating structure and a remainder that moves with respect to the mating structures. In Beaulieu the parachute (assumed *arguendo* a figure) might be said to have a mating structure that couples with the hook on the kite, but the nonengaged part of the parachute is not taught to move with respect to its "mating structure." Claim 21 is thus not anticipated by Beaulieu. Claims 23 and 24 are patentable over Beaulieu for at least the reasons advanced in connection with claim 21. Claim 22 is patentable (not obvious) over Beaulieu at least for reasons advanced in connection with claim 21; In addition there is no motivation in the reference for the revisions suggested by the Examiner. It would appear that it is impossible to put the parachute of Beaulieu above his kite and have an operable device. The revision suggested is impossible and thus cannot be obvious from Beaulieu.

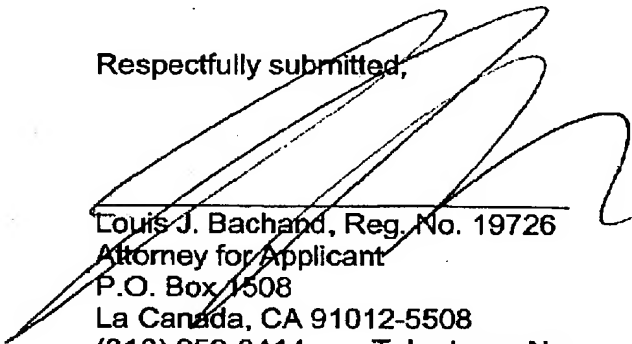
Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 4,133,500 – Chapman)

Claims 25 and 26 are rejected as anticipated by Chapman who teaches a figure in a swing below a hang glider type kite. Claim 25 recites *inter alia* that the figure remainder (the part not fastened by the mating structure coupled to the coupling structure) moves relative to the mating structures. In Chapman the non-fastened part of the figure does not move relative to the fastened part. Claim 26 is patentable at least for the reason advanced in connection with claim 25.

Conclusion

Reconsideration and allowance of all claims are requested.

Respectfully submitted,



Louis J. Bachand, Reg. No. 19726
Attorney for Applicant
P.O. Box 1508
La Canada, CA 91012-5508
(818) 952-3414 Telephone No.
(818) 952-3420 Fax No.

Customer No. 20,986